

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

SWIFT BEEF COMPANY,)	
)	
Plaintiff,)	8:06CV466
)	
v.)	
)	
IC TECH SALES, INC., WAM,)	ORDER
INC., and WAM USA, INC.,)	
)	
Defendants.)	
)	
<hr/> IC TECH SALES, INC.,)	
)	
Cross-claim Plaintiff,)	
)	
v.)	
)	
WAM, INC., and WAM USA, INC.,)	
)	
Cross-claim Defendants.)	
<hr/>)	

This matter is before the Court on plaintiff's motion to strike defendant WAM's expert report of George Wandling ("Wandling") for failure to comply with Rule 26 or, in the alternative, to strike parts of his expert report (Filing No. 121). Having reviewed the motion, the parties' briefs and evidentiary submissions, and the applicable law, the Court finds the motion to strike should be denied.

The Court will reserve ruling on whether or not Wandling will be permitted to give expert testimony at trial on the subject of welding, pending the Court's review of the expert report which he submitted to the plaintiff, together with a copy of his deposition taken by plaintiff. Accordingly,

IT IS ORDERED that plaintiff's motion to strike (Filing No. 121) is denied. The parties shall submit the deposition and expert report on or before February 11, 2008.

DATED this 7th day of February, 2008.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court